

108TH CONGRESS
2D SESSION

H. R. 4434

To improve the No Child Left Behind Act of 2001, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2004

Ms. DELAURO introduced the following bill; which was referred to the
Committee on Education and the Workforce

A BILL

To improve the No Child Left Behind Act of 2001, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Child Left Behind
5 Reform Act”.

6 **SEC. 2. ADEQUATE YEARLY PROGRESS.**

7 (a) DEFINITION OF ADEQUATE YEARLY
8 PROGRESS.—Section 1111(b)(2) of the Elementary and
9 Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2))
10 is amended—

11 (1) in subparagraph (C)(vii)—

1 (A) by striking “such as”;

2 (B) by inserting “such as measures of indi-
3 vidual or cohort growth over time based on the
4 academic assessments implemented in accord-
5 ance with paragraph (3),” after “described in
6 clause (v),”; and

7 (C) by striking “attendance rates,”; and
8 (2) in subparagraph (D)—

9 (A) by striking clause (ii);

10 (B) by striking “the State” and all that
11 follows through “ensure” and inserting “the
12 State shall ensure”; and

13 (C) by striking “; and” and inserting a pe-
14 riod.

15 (b) ACADEMIC ASSESSMENT AND LOCAL EDU-
16 CATIONAL AGENCY AND SCHOOL IMPROVEMENT.—Sec-
17 tion 1116(a)(1)(B) of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 6316(a)(1)(B)) is
19 amended by striking “, except that” and all that follows
20 through “action or restructuring”.

21 **SEC. 3. GRANTS FOR INCREASING DATA CAPACITY FOR**
22 **PURPOSES OF AYP.**

23 Part A of title I of the Elementary and Secondary
24 Education Act of 1965 (20 U.S.C. 6311 et seq.) is amend-
25 ed by adding at the end the following:

1 **“SEC. 1120C. GRANTS FOR INCREASING DATA CAPACITY**
2 **FOR PURPOSES OF AYP.**

3 “(a) GRANT AUTHORITY.—The Secretary may award
4 grants, on a competitive basis, to State educational agen-
5 cies to enable the State educational agencies to develop
6 or increase the capacity of data systems for accountability
7 purposes and award subgrants to increase the capacity of
8 local educational agencies to upgrade, create, or manage
9 information databases for the purpose of measuring ade-
10 quate yearly progress.

11 “(b) PRIORITY.—In awarding grants under this sec-
12 tion, the Secretary shall give priority to State educational
13 agencies that have created, or are in the process of cre-
14 ating, a growth model or proficiency index as part of their
15 adequate yearly progress determination.

16 “(c) STATE USE OF FUNDS.—Each State that re-
17 ceives a grant under this section shall use—

18 “(1) not more than 20 percent of the grant
19 funds for the purpose of increasing the capacity of,
20 or creating, State databases to collect information
21 related to adequate yearly progress; and

22 “(2) not less than 80 percent of the grant
23 funds to award subgrants to local educational agen-
24 cies within the State to enable the local educational
25 agencies to carry out the authorized activities de-
26 scribed in subsection (d).

1 “(d) AUTHORIZED ACTIVITIES.—Each local edu-
2 cational agency that receives a subgrant under this section
3 shall use the subgrant funds to increase the capacity of
4 the local educational agency to upgrade databases or cre-
5 ate unique student identifiers for the purpose of meas-
6 uring adequate yearly progress, by—

7 “(1) purchasing database software or hardware;

8 “(2) hiring additional staff for the purpose of
9 managing such data;

10 “(3) providing professional development or ad-
11 ditional training for such staff; and

12 “(4) providing professional development or
13 training for principals and teachers on how to effec-
14 tively use such data to implement instructional strat-
15 egies to improve student achievement.

16 “(e) STATE APPLICATION.—Each State educational
17 agency desiring a grant under this section shall submit
18 an application to the Secretary at such time, in such man-
19 ner, and containing such information as the Secretary may
20 require.

21 “(f) LEA APPLICATION.—Each local educational
22 agency desiring a subgrant under this section shall submit
23 an application to the State educational agency at such
24 time, in such manner, and containing such information as
25 the State educational agency may require. Each such ap-

1 plication shall include, at a minimum, a demonstration of
 2 the local educational agency’s ability to put such a data-
 3 base in place.

4 “(g) AUTHORIZATION OF APPROPRIATIONS.—There
 5 are authorized to be appropriated to carry out this section
 6 \$80,000,000 for each of fiscal years 2005, 2006, and
 7 2007.”.

8 **SEC. 4. TARGETING TRANSFER OPTIONS AND SUPPLE-**
 9 **MENTAL SERVICES.**

10 (a) TARGETING TRANSFER OPTIONS AND SUPPLE-
 11 MENTAL SERVICES.—Section 1116 of the Elementary and
 12 Secondary Education Act of 1965 (20 U.S.C. 6316) is
 13 amended—

14 (1) in paragraphs (1)(E)(i), (5)(A), (7)(C)(i),
 15 and (8)(A)(i) of subsection (b), by striking the term
 16 “all students enrolled in the school” each place such
 17 term appears and inserting “all students enrolled in
 18 the school, who are members of a group described in
 19 section 1111(b)(2)(C)(v) that fails to make adequate
 20 yearly progress as defined in the State’s plan under
 21 section 1111(b)(2),”;

22 (2) in subsection (b)(1), by adding at the end
 23 the following:

24 “(G) MAINTENANCE OF LEAST RESTRIC-
 25 TIVE ENVIRONMENT.—A student who is eligible

1 to receive services under the Individuals with
 2 Disabilities Education Act and who uses the op-
 3 tion to transfer under subparagraph (E), para-
 4 graph (5)(A), (7)(C)(i), or (8)(A)(i), or sub-
 5 section (c)(10)(C)(vii), shall be placed and
 6 served in the least restrictive environment ap-
 7 propriate, in accordance with the Individuals
 8 with Disabilities Education Act.”;

9 (3) in clause (vii) of subsection (c)(10)(C), by
 10 inserting “, who are members of a group described
 11 in section 1111(b)(2)(C)(v) that fails to make ade-
 12 quate yearly progress as defined in the State’s plan
 13 under section 1111(b)(2),” after “Authorizing stu-
 14 dents”; and

15 (4) in subparagraph (A) of subsection (e)(12),
 16 by inserting “, who is a member of a group de-
 17 scribed in section 1111(b)(2)(C)(v) that fails to
 18 make adequate yearly progress as defined in the
 19 State’s plan under section 1111(b)(2)” after “under
 20 section 1113(c)(1)”.

21 (b) STUDENT ALREADY TRANSFERRED.—A student
 22 who transfers to another public school pursuant to section
 23 1116(b) of the Elementary and Secondary Education Act
 24 of 1965 (20 U.S.C. 6316(b)) before the effective date of
 25 this section and the amendments made by this section,

1 may continue enrollment in such public school after the
 2 effective date of this section and the amendments made
 3 by this section.

4 (c) EFFECTIVE DATE.—This section and the amend-
 5 ments made by this section shall be effective for each fiscal
 6 year for which the amount appropriated to carry out title
 7 I of the Elementary and Secondary Education Act of 1965
 8 for the fiscal year, is less than the amount authorized to
 9 be appropriated to carry out such title for the fiscal year.

10 **SEC. 5. DEFINITION OF HIGHLY QUALIFIED TEACHERS.**

11 Section 9101(23)(B)(ii) of the Elementary and Sec-
 12 ondary Act of 1965 (20 U.S.C. 7801(23)(B)(ii)) is amend-
 13 ed—

14 (1) in subclause (I), by striking “or” after the
 15 semicolon;

16 (2) in subclause (II), by striking “and” after
 17 the semicolon; and

18 (3) by adding at the end the following:

19 “(III) in the case of a middle
 20 school teacher, passing a State ap-
 21 proved middle school generalist exam
 22 when the teacher receives the teach-
 23 er’s license to teach middle school in
 24 the State;

1 “(IV) obtaining a State social
2 studies certificate that qualifies the
3 teacher to teach history, geography,
4 economics, and civics in middle or sec-
5 ondary schools, respectively, in the
6 State; or

7 “(V) obtaining a State science
8 certificate that qualifies the teacher to
9 teach earth science, biology, chem-
10 istry, and physics in middle or sec-
11 ondary schools, respectively, in the
12 State; and”.

○